

2584. Misbranding of vitamin products. U. S. v. Vitamin Stores, Inc. Plea of nolo contendere. Fine of \$250 and costs. (F. D. C. No. 24222. Sample Nos. 20534-H to 20536-H, incl., 40284-H, 40840-H, 67304-H.)

INFORMATION FILED: March 15, 1948, District of Nebraska, against Vitamin Stores, Inc., Omaha, Nebr.

ALLEGED SHIPMENT: On or about July 16 and November 1 and 14, 1946, and March 28, 1947, from the State of Nebraska into the State of Missouri.

LABEL, IN PART: "High Potency Vita-Chrome Improved Tablets * * * Vita-Chrome Co. Omaha, Neb. Each tablet contains: Calcium Pantothenate 30 mgm. * * * , Vitamin B₁ 1.5 mgm. (150%), Vitamin B₂ 2 mgm. (100%), Vitamin B₆ 250 micrograms * * * , Niacin 5 mgm. (requirement not established), Paraminobenzoic Acid 10 mgm. * * * , Cystine 5 mgm."; "Superee High Potency Vitamin E Each Capsule Contains: Concentrate of Natural, mixed Tocopherols distilled from vegetable oils—equivalent in biological activity to 30 milligrams of Alpha Tocopherol. [or "Pure Wheat Germ Oil Derived From Freshly Milled Wheat Germ"] * * * Distributed by Vitamin Industries 1320 Farnam St. Omaha 2, Nebr."; "Dia-B-Plex Tablets Super Potency B Complex The Vitamin Store Omaha, Nebr. Each tablet contains: Vitamin B₁, 6 milligrams (600%), Vitamin B₂, 3 milligrams (150%), Vitamin B₆, .25 milligrams * * * , Calcium Pantothenate, 1 milligram * * * , Niacin, 20 milligrams"; "De-A-Tol Vitamin D Each Capsule Contains: 50,000 U.S.P. Units * * * Distributed by The Vitamin Store Omaha, Nebr."; and "Improved Dietrim Capsules * * * Distributed By The Dietrim Co. 1320 Farnam St. Omaha 2, Nebraska Ingredients: Each six capsules contain: Vitamin B₁ 6 mgm. (600%), Vitamin B₂ 2 mgm. (100%), Vitamin B₆ 300 mgm. * * * Vitamin C 75 mgm. (250%), Niacinamide 10 mgm. * * * , Calcium Pantothenate 750 mgm. * * * Plus Essential Amino Acids from Casein Hydrolysates."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in accompanying circulars entitled "Triple XXX Vita-Chrome B Complex," "Winter Vitamins," and "Price List Vitamins and Vitamin Preparations," a booklet entitled "Dietrim Plan To Help You Reduce Your Figure," and a leaflet entitled "Do You Want to Reduce Your Figure" were false and misleading. The statements represented and suggested that the *Vita-Chrome tablets* would be efficacious to furnish buoyant health and energy, and that it would restore color to gray hair; that the *vitamin E capsules* and *wheat germ oil* in combination would be efficacious in the treatment of heart disease, arteriosclerosis, hypertension, rheumatic heart disease, and old and new coronary heart disease; that it would help the failing heart, eliminate anginal pain, and prevent the destruction of platelets; and that it would increase the blood supply to the individual muscles of the heart, thus aiding muscle repair; that the *Dia-B-Plex tablets* would be efficacious in the treatment of diabetes and would enable the diabetic user to reduce the use of insulin or eliminate the use of insulin; that the *De-A-Tol capsules* would be an adequate treatment for arthritis; and that the *Dietrim capsules* would be efficacious to reduce the figure; that it was a protein diet supplement which would help to reduce food intake by supplying the material for new muscle tissue without supplying material which deposits fat; that it would guard the user's health; that it contained essential important vitamins that may be lacking when the food intake is cut down and concentrated proteins in the form of amino acids to provide material for the replacement of worn-out muscles and other tissues not containing fats; that it would protect

the user from the vitamin deficiencies which lead to excessive tiredness, nervousness, crossness, and irritability; that it would nourish the body while reducing; and that it would help to control the appetite. The articles would not be efficacious for such purposes and would not fulfill the promises of benefits stated and implied.

DISPOSITION: November 4, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$250 and costs.

2585. Misbranding of Paracelsus. U. S. v. 24 Cans * * *. (F. D. C. No. 24898. Sample No. 34235-K.)

LABEL FILED: June 29, 1948, Northern District of California.

ALLEGED SHIPMENT: By the American Biochemical Corp., from Cleveland, Ohio. The product was shipped on or about May 3, 1948, and a number of reprints from the "Lets Live Newsmagazine" were shipped during February 1948.

PRODUCT: 24 cans of *Paracelsus*, each containing 1-pound, 5-ounces, at Oakland, Calif., together with a number of reprints from the "Lets Live Newsmagazine" entitled "Malnutrition, Disease, Due to Mineral Lack." Examination showed that the product was a mineral mixture containing per $\frac{3}{4}$ teaspoon, 66 milligrams of calcium and 0.55 milligram of iron, or 8.8 percent of the adult minimum daily requirements for calcium and iron.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the reprint were false and misleading. These statements represented and suggested that the article was effective to prevent and cure malnutrition and disease, to provide pep, to stimulate hormone production, and to prevent and cure arthritis; and that all individuals suffered from mineral deficiency and would benefit by use of the article. The article was not effective for such purposes, and it was not capable of fulfilling the promises of benefit stated and implied.

Further misbranding, Section 502 (a), the following label statements were false and misleading since if taken as directed the article would supply materially less calcium and iron than stated: "When Taken According to Direction Will Supply Percentage of Daily Requirements as Listed:

	Calcium		Iron
Man	13.50%	* * *	16.00%
Woman	13.50%	* * *	16.00%
Pregnancy latter half	7.00%	* * *	12.75%
Lactation	5.25%	* * *	12.75%
Children 1 to 9 years	10.75%	* * *	19.20%
Children 10 to 12 years	9.00%	* * *	16.00%
Girls 13 to 15 Years	8.00%	* * *	13.00%
Boys 13 to 15 years	7.50%	* * *	13.00%
Girls 16 to 20 years	10.50%	* * *	13.00%
Boys 16 to 20 years	7.50%	* * *	13.00%

The article was alleged also to be adulterated and misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: September 21, 1948. Default decree of condemnation and destruction:

2586. Misbranding of National R Solution. U. S. v. 22 Bottles * * *. (F. D. C. No. 25116. Sample No. 2721-K.)

LABEL FILED: July 22, 1948, District of Columbia.

ALLEGED SHIPMENT: On or about April 12, 1948, by the National Drug Co., from Philadelphia, Pa.